

BILL NO. Z-76-06-10

ZONING MAP ORDINANCE NO. Z-*Whitham*

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. B-12.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B District under the terms of Chapter 36,
Municipal Code of the City of Fort Wayne, Indiana, 1946, as
amended by General Ordinance No. 2836 and amendments thereof;
and the symbols of the City of Fort Wayne Zoning Map No. B-12,
referred to therein, established by Section 9, Article III
of said Chapter as amended, are hereby changed accordingly,
to-wit:

Lot 3 together with Part of Lot 2 in Glen Coe
Park Addition, in ALL perimetrically described
as follows:

Commencing on the East line of said Lot 2 at a
point situated 55.5 feet South of the Northeast
corner of Lot 1 as established in said Addition;
thence South on the East line of Lot 2 and Lot 3,
a distance of 74.0 feet to the Southeast corner
of Lot 3 as established; thence Westerly on the
South line of said Lot 3 as established by a
deflection right of 90 degrees 36 minutes, a
distance of 85.6 feet to the easterly right-of-way
line of the Decatur Road as established, as situated
27 feet normally distant Northeasterly of the
centerline of the 18 feet concrete pavement; thence
Northwesterly by a deflection right of 61 degrees
07 minutes on a line parallel to the said road
pavement centerline, a distance of 57.0 feet to a
point situated 91.0 feet Southeasterly of the
North line of Lot 1 in said Addition; thence
Northeasterly by a deflection right of 94 degrees
54 minutes, a distance of 75.2 feet; thence South-
easterly by a deflection right of 61 degrees
15 minutes, a distance of 12.2 feet; thence Easterly
by a deflection left of 38 degrees 35 minutes, a
distance of 34.0 feet to the point of beginning;
containing 7,066 square feet. ALSO, 0.296 acres
in the Northwest part of Lot Numbered 1 in Bittersweet
Gardens Addition to the City of Fort Wayne, Indiana,
specifically described as follows: Commencing at the
Northwest corner of Lot Numbered 1 in Bittersweet
Gardens Addition; thence East along the South line
of Glen Coe Park Addition a distance of 175.6 feet

APPROVED AS TO FORM
AND LEGALITY,

[Signature]
CITY ATTORNEY

1
2
3
4 to the Southeast corner of Lot Numbered 5 in
5 said Glen Coe Park Addition; thence South a
6 distance of 52 feet to a point; thence South
7 47 degrees 40 minutes West a distance of 129.6
8 feet to a point on the East right-of-way of
9 Old Decatur Road; thence North 42 degrees 20
10 minutes West along said right-of-way a distance
11 of 130 feet to the point of beginning.

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13 SECTION 2. This Ordinance shall be in full force and
14 effect from and after its passage, approval by the Mayor
15 and legal publication thereof.
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Councilman

Read the first time in full and in motion by Burns, seconded by Hunga, and duly adopted; read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 6-8-76

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
Passed (LOST) by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT |
|--------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <u>TOTAL VOTES</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>BURNS</u> | _____ | _____ | _____ | _____ | _____ |
| <u>HINGA</u> | _____ | _____ | _____ | _____ | _____ |
| <u>HUNTER</u> | _____ | _____ | _____ | _____ | _____ |
| <u>MOSES</u> | _____ | _____ | _____ | _____ | _____ |
| <u>NUCKOLS</u> | _____ | _____ | _____ | _____ | _____ |
| <u>SCHMIDT, D.</u> | _____ | _____ | _____ | _____ | _____ |
| <u>SCHMIDT, V.</u> | _____ | _____ | _____ | _____ | _____ |
| <u>STIER</u> | _____ | _____ | _____ | _____ | _____ |
| <u>TALARICO</u> | _____ | _____ | _____ | _____ | _____ |

DATE: _____

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197____.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 8, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-06-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission scheduled a public hearing on such proposed ordinance on July 19, 1976;

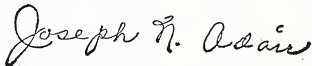
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the attorney representing the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be WITHDRAWN in accordance with the written request of the attorney representing the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 19, 1976.

Certified and signed this
28th day of July, 1976.



Joseph N. Adair
Secretary

Bill No. Z-76-06-10

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. B-12

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance be Withdrawn PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

8-10-76 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

GENERAL FUND

No 077

FT. WAYNE, IND.,

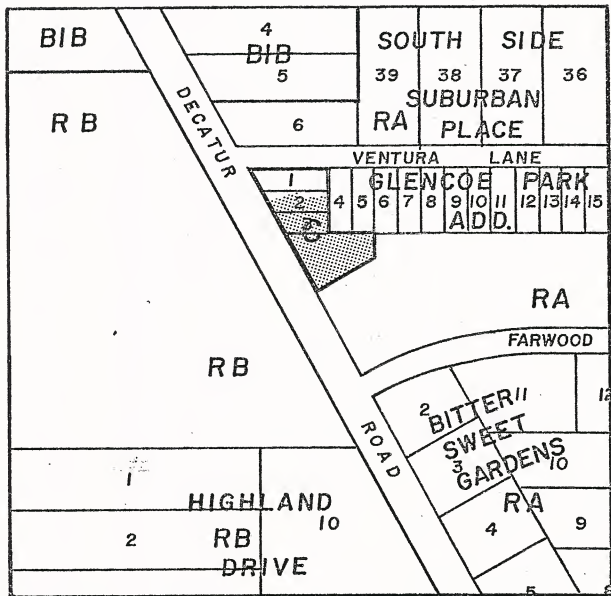
RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

May 21 19 76 Wayne
9-1 Rental Witmer 50⁰⁰
Fifty dollars - 00/100
DOLLARS
regarding 6001 Decatur

Carolyn Boory
AUTHORIZED SIGNATURE



C CHANGE FROM RI TO BIB

B-12
5-21-76
L.S.

N



TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

X/We Norman A. Pontius and Jeffrey A. Schumacher

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-1 district to a/an B-1-B district the property described as follows:

See attached for legal description Real Estate

commonly known as 6001 Decatur Road, Fort Wayne,

Indiana, 46816

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

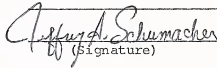
Norman A. Pontius

5018 Lancelot Court
Fort Wayne, Indiana
46805



Jeffrey A. Schumacher

1622 Stanley Avenue
Fort Wayne, Indiana
46805



(Name)

(Address)

Legal Description Checked By: _____

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Wayne L. Witmer
(Name)

395 Lincoln Bank Tower
(Address)

423-9551
(Telephone Number)

Fort Wayne, Indiana 46802
CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802
Telephone Number: 423-7571

LEGAL DESCRIPTION

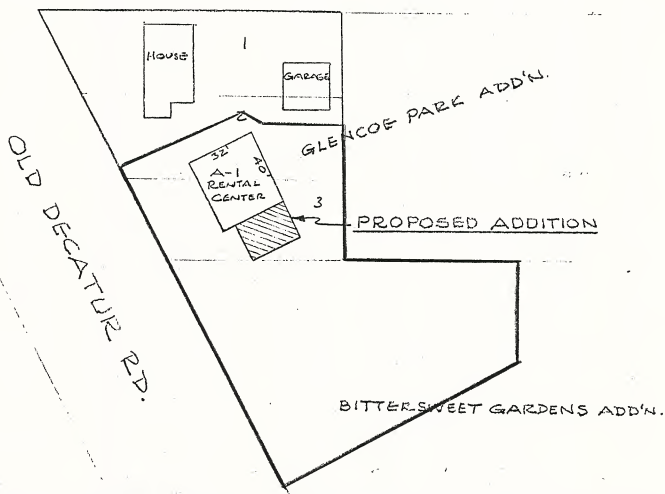
Lot 3 together with Part of Lot 2 in GLEN COE PARK ADDITION:
in ALL perimetrically described as follows:

Commencing on the East line of said Lot 2 at a point situated 55.5 feet South of the Northeast corner of Lot 1 as established in said Addition; thence South on the East line of Lot 2 and Lot 3, a distance of 74.0 feet to the Southeast corner of Lot 3 as established; thence Westerly on the South line of said Lot 3 as established by a deflection right of 90 degrees 36 minutes, a distance of 85.6 feet to the easterly right-of-way line of the Decatur Road as established, as situated 27 feet normally distant Northeasterly of the centerline of the 18 feet concrete pavement; thence Northwesterly by a deflection right of 61 degrees 07 minutes on a line parallel to the said road pavement centerline, a distance of 57.0 feet to a point situated 91.0 feet Southeasterly of the North line of Lot 1 in said Addition; thence Northeasterly by a deflection right of 94 degrees 54 minutes, a distance of 75.2 feet; thence Southeasterly by a deflection right of 61 degrees 15 minutes, a distance of 12.2 feet; thence Easterly by a deflection left of 38 degrees 35 minutes, a distance of 34.0 feet to the point of beginning; containing 7,066 square feet. Also, 0.296 acres in the Northwest part of Lot numbered 1 in Bittersweet gardens Addition to the City of Fort Wayne, Indiana, specifically described as follows: commencing at the Northwest corner of Lot numbered 1 in Bittersweet Gardens Addition, thence East along the South line of Glen Coe Park Addition a distance of 175.6 feet to the Southeast corner of Lot numbered 5 in said Glen Coe Park Addition, thence South a distance of 52 feet to a point, thence South 47 degrees 40 minutes West a distance of 129.6 feet to a point on the East right of way of Old Decatur Road, thence North 42 degrees 20 minutes West along said right-of-way a distance of 130 feet to the point of beginning.

The petitioners are currently doing business as A-1 Rental Center in the building identified as a 32' x 40' cement block building on the plat of Lots 2 and 3 of Glencoe Park Addition and the northwest corner of Bittersweet Gardens Addition. Present zoning is R-1 but used as B-1-B under "prior existing but nonconforming use." Under this restriction petitioners are not permitted to enlarge the business building on the exterior.

It is the intention of the petitioners to continue the operation of A-1 Rental Center at this location, substantially as it is now being operated, throughout the foreseeable future. However, it is desirable for reasons of efficiency and business promotion to modernize this facility. Toward that end it is proposed to construct an addition to the building of 400 to 600 square feet approximately as shown in the accompanying sketch below to serve as a showroom for rental equipment. Proposed construction would be of cement block on a poured slab designed to integrate with the existing structure. The interior would have finished walls, tile floor, and modern business fixtures. Accompanying improvements would include upgrading of the electrical and plumbing systems and customer parking areas; the whole to be integrated in design with the existing building which has recently been improved by the petitioners with a new facade. A natural consequence of this modernization would be a substantial improvement in the appearance of the property, and hence, of the neighborhood.

VENTURA LN.



BARRETT, BARRETT & McNAGNY
LAWYERS

THIRD FLOOR LINCOLN BANK TOWER
FORT WAYNE, INDIANA
46802

JAMES M. BARRETT 1929
PHIL M. McNAGNY 1969
OTTO E. GRANT, JR. 1969

TELEPHONE 423-9551
AREA CODE 219

JAMES M. BARRETT, JR.
OF COUNSEL

MENTOR KRAUS
J.A. BRUGGEMAN
WILLIAM F. McNAGNY
JAMES M. BARRETT III
J. MICHAEL GHARA
WILES C. GERBERDING
PAUL S. STEIGMEYER
JOHN M. CLIFTON, JR.
DOUGLAS E. MILLER
ROBERT S. WALTERS
JOHN F. LYONS
N. THOMAS HORTON II
JAMES M. PRICKETT
WAYNE L. WITMER
WILLIAM L. SWEET, JR.
THOMAS M. FINK
GARY J. RICKNER
JOHN D. WALDA

July 13, 1976

Mr. Gary F. Baeten
Fort Wayne City Plan Commission
City County Building
Fort Wayne, Indiana 46802

Re: A-1 Rental Centers South
Bill No. 2-76-06-10

Dear Gary:

As per our meeting of July 13, 1976, this is to confirm that we request that the petition for zoning ordinance amendment captioned above be withdrawn.

We will submit this petition in time for your August 16 public hearing, asking for change from R-1 to B-4 Zoning.

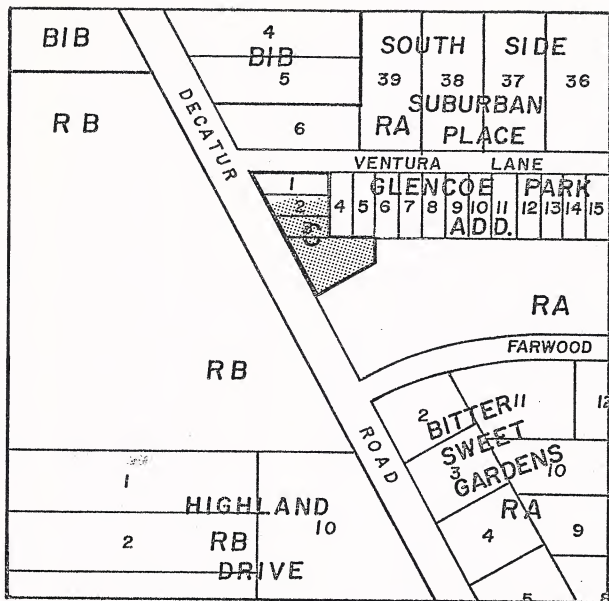
Very truly yours,

BARRETT, BARRETT & McNAGNY



Wayne L. Witmer

WLW/gd
CC/Norman A. Pontius



C CHANGE FROM RI TO BIB

B-12

5-21-76

L.S.

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DIGEST SHEET

TITLE OF ORDINANCE _____ Zoning Map Amendment Ordinance

3-76-06-10

DEPARTMENT REQUESTING ORDINANCE _____ City Plan Commission

SYNOPSIS OF ORDINANCE _____ Petitioners are requesting the rezoning of the
_____ following described property:Lot # 3 with part of Lot # 2 in GLEN COE PARK ADDITION commonly known
_____ as 6001 Decatur Road.

From "R1" to "B1B"

EFFECT OF PASSAGE _____ Property is presently an "R1" District - One Family
Residential. Petitioners are requesting a "B1B" District - Limited
_____ Business, for the expansion of a legal non-conforming use.

EFFECT OF NON-PASSAGE _____ Property would remain an "R1" District

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____ none

ASSIGNED TO COMMITTEE (J.N.)

Regulation Station